

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ROBERT F. KENNEDY, JR. ET AL.,

v.

JOSEPH R. BIDEN, ET AL.,

**CASE NO. 23-cv-0381 (CONSOLIDATED)
CIVIL ACTION NO. 22-cv-01213 (LEAD)**

**JUDGE: TERRY A. DOUGHTY
MAG. JUDGE: KAYLA D. McCLUSKY**

**THE *KENNEDY* PLAINTIFFS' MOTION FOR EXPEDITED
THIRD PARTY PLATFORM DISCOVERY**

Notice of Motion

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 26(d)(1) and 45, Plaintiffs Robert F. Kennedy, Jr., Children's Health Defense ("CHD"), and Connie Sompagnaro in *Robert F. Kennedy, Jr. et al., v. Joseph R. Biden, et al.*, No. 23-cv-00381 (collectively "the *Kennedy* Plaintiffs"), consolidated with *Missouri v. Biden*, No. 22-cv-01213, hereby move for limited, expedited third party social media platform discovery.

Relief Requested

The relief requested is leave of Court under Rules 26(d)(1) and 45 to issue the subpoenas attached as Shelly Maturin Declaration Exhibit "A" to two third party search engine, video sharing and social media platforms Google/YouTube and Meta/Facebook.

Return Dates

The *Kennedy* Plaintiffs seek the following schedule for third party discovery consonant with this Court's order for expedited discovery in *Missouri v. Biden*, No. 3:22-cv-01213, 2022 U.S. Dist. LEXIS 131135 (W.D. La. July 12, 2022):

- (1) Within five business days after this ruling, the *Kennedy* Plaintiffs may serve the approved subpoenas on Google/YouTube and Meta/Facebook seeking their internal emails/texts, call notes, memoranda, and other internal writings and external communications with federal officials who have been or are communicating with them about disinformation, misinformation, malinformation, and/or any censorship or suppression of speech on social media.
- (2) Within thirty days of the *Kennedy* Plaintiffs' discovery requests, responses and/or objections shall be provided by the two recipient social media platforms, and any objections by the Federal Defendants other than to the taking or timing of the discovery itself.
- (3) Within ten days following receipt of the objections and/or responses, the parties and third parties shall meet and confer in good faith about discovery disputes. A joint statement to the Court shall be submitted within five days thereafter detailing the nature of the remaining disputes, including the *Kennedy* Plaintiffs' response to any objections.
- (4) Within seven days from the filing of that joint statement, the Court shall rule on any remaining objections.
- (5) Within ten business days after that ruling, the two recipient social media platforms shall produce any additional authorized responses.

(6) Within twenty days of the lifting of the emergency stay in *Murthy*, 23-411, the parties in both consolidated cases shall conduct a Rule 26(f) conference and submit a proposed schedule for merits discovery, dispositive motions, and trial.

Dated: April 25, 2024

Respectfully submitted,

/s/ G. Shelly Maturin, II

G. SHELLY MATURIN, II
(La. Bar#26994)
Welborn & Hargett
1540 W. Pinhook Road
Lafayette, LA 70503
Telephone: 337-234-5533
E-mail: shelly@wandhlfawfirm.com

Attorney for ROBERT F. KENNEDY, JR.
CHILDREN'S HEALTH DEFENSE
CONNIE SOMPAGNARO
Plaintiffs in *Kennedy v. Biden*,
No. 3:23-cv-00381

JED RUBENFELD
(NY Bar # 2214104)
(*pro hac vice* forthcoming)
1031 Forest Road
New Haven CT 06515
Telephone: 203-432-7631
E-mail: jed.rubenfeld@yale.edu

ROGER IAN TEICH
(CA Bar #147076)
(*pro hac vice* forthcoming)
337 Liberty Street
San Francisco, CA 94114
Telephone: 415-948-0045
Email: rteich@juno.com